

By: **Delegate Schisler**

Introduced and read first time: January 22, 2003

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2003

CHAPTER _____

1 AN ACT concerning

2 **Fishery Management Plans - Goals, Elements, and Scientific Peer Review**

3 FOR the purpose of altering the requirements and goals of certain fishery
4 conservation and management measures; altering the requirements for certain
5 fishery management plans; requiring the submission of a certain fishery
6 management plans plan, and the stock assessment and technical and scientific
7 information that support the fishery management plan, to a certain scientific
8 peer review process; requiring the Secretary of Natural Resources to designate
9 certain experts with certain qualifications; requiring the Department of Natural
10 Resources to provide a certain response and to make certain fishery
11 management plan modifications; requiring the Department to provide certain
12 information in a certain annual report; making certain technical corrections;
13 providing for the prospective application of this Act; providing for a delayed
14 effective date for certain provisions of this Act; and generally relating to the
15 development of fishery management measures and plans.

16 BY repealing and reenacting, with amendments,
17 Article - Natural Resources
18 Section 4-215
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2002 Supplement)

21 BY renumbering
22 Article - Natural Resources
23 Section 4-215(f) through (i), respectively
24 to be Section 4-215(g) through (j), respectively
25 Annotated Code of Maryland

1 (2000 Replacement Volume and 2002 Supplement)

2 BY adding to

3 Article - Natural Resources

4 Section 4-215(f)

5 Annotated Code of Maryland

6 (2000 Replacement Volume and 2002 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Natural Resources

9 Section 4-215(g)

10 Annotated Code of Maryland

11 (2000 Replacement Volume and 2002 Supplement)

12 (As enacted by Sections 1 and 2 of this Act)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Natural Resources**

16 4-215.

17 (a) In this section the following terms have the meanings indicated:

18 (1) "Conservation and management measures" means 1 or more
19 techniques through which the objectives of a fishery management plan are achieved;

20 (2) "Fishery" or "fishery resource" means:

21 (i) One or more stocks of fish which can be treated as a unit for
22 purposes of conservation and management and which are identified on the basis of
23 geographic, scientific, technical, recreational, and economic characteristics; or

24 (ii) The group or industry harvesting those stocks;

25 (3) "Fishery management" means the system used to conserve and
26 allocate the fishery resource, including research and data collection, determination of
27 objectives and management measures, and establishment, enforcement, and periodic
28 evaluation of regulations; and

29 (4) "Fishery management plan" means a document or report that
30 contains a systematic description of a given fishery and the objectives and
31 conservation and management measures for the fishery.

32 (b) The Department shall prepare fishery management plans for the following
33 species:

34 (1) Striped bass or rockfish;

- 1 (2) White perch;
- 2 (3) Yellow perch;
- 3 (4) American shad;
- 4 (5) Hickory shad;
- 5 (6) Oysters;
- 6 (7) Blue crabs;
- 7 (8) Bluefish;
- 8 (9) Herring;
- 9 (10) Weakfish;
- 10 (11) Croaker;
- 11 (12) Spot;
- 12 (13) Summer flounder;
- 13 (14) American eel;
- 14 (15) Red drum;
- 15 (16) Black drum;
- 16 (17) Spotted sea trout;
- 17 (18) Horseshoe crabs;
- 18 (19) Menhaden;
- 19 (20) Tautog;
- 20 (21) Black sea bass;
- 21 (22) Scup;
- 22 (23) Hard shell clams; and
- 23 (24) Catfish.

24 (c) (1) Conservation and management measures adopted under a fishery
25 management plan, to the extent possible:

26 (i) Shall [prevent]:

27 1. ACHIEVE SUSTAINABLE USE OF THE FISHERY;

1 (4) A DESCRIPTION OF MONITORING ACTIVITIES NECESSARY TO
2 EVALUATE THE EFFECTIVENESS OF MANAGEMENT ACTIONS;

3 [(3)] (5) A description of the fishery, including:

4 (i) The history of the fishery, and its current condition relative to
5 historic populations;

6 (ii) The numbers of potential commercial and recreational
7 fishermen projected to participate in the fishery;

8 (iii) The type and quantity of fishing gear used commercially AND
9 RECREATIONALLY;

10 (iv) Where practicable, the cost likely to be incurred in the
11 management of the fishery; and

12 (v) The actual and potential revenues from the recreational and
13 commercial fishery; and

14 [(4)] (6) Other pertinent data that will assist the Secretary in
15 determining conservation and management measures reasonably necessary to ensure
16 that the fishery resources will be sustained.

17 (e) A fishery management plan may include:

18 (1) Proposed limitations on the catch of fish, based on area, species, size,
19 number, weight, sex, incidental catch, total biomass, or other factors, which are
20 necessary and appropriate for conservation and management of a fishery;

21 (2) Incorporation of relevant fishery conservation and management
22 measures proposed or adopted by interstate bodies of which Maryland is a member;
23 and

24 (3) Other proposed measures, requirements, or conditions and
25 restrictions which are necessary and appropriate for fishery management.

26 (f) The Department shall present the management plans under this section in
27 the form of an annual report, subject to § 2-1246 of the State Government Article, to:

28 (1) The Legislative Policy Committee;

29 (2) The [Economic] SENATE EDUCATION, HEALTH, and Environmental
30 Affairs Committee; and

31 (3) The HOUSE Environmental Matters Committee.

32 (g) (1) (i) The Secretary shall adopt the proposed management plans and
33 any proposed conservation and management measures by regulation.

1 (ii) The Secretary may adopt conservation and management
 2 measures in separate proceedings and by separate regulations. Conservation and
 3 management measures adopted separately may include changes to those proposed or
 4 adopted in a fishery management plan and any additional measures necessary to
 5 carry out the adopted plan.

6 (iii) The Secretary may not prohibit the use of pound net sites in the
 7 coastal bays that are registered with the Department as of January 1, 2000.

8 (2) The regulations of the Department to implement a fisheries
 9 management plan for the coastal bays may not become effective under this section
 10 until the Department first holds public hearings in Worcester County.

11 (3) All notices of public hearings required for the adoption of regulations
 12 under this section shall be printed in the Maryland Register and further publicized so
 13 as to provide reasonable notice to the affected communities of fishermen and the
 14 public.

15 (h) Notwithstanding any other provision of this title, once a fishery
 16 management plan has been adopted by regulation, the State's fishery resources shall
 17 be harvested in accordance with the conservation and management measures in the
 18 fishery management plan and any regulations implementing or amending that plan.

19 (i) The provisions of this section do not apply to aquaculture activities in
 20 nontidal ponds, lakes, or impoundments in the State.

21 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 4-215(f)
 22 through (i), respectively, of Article - Natural Resources of the Annotated Code of
 23 Maryland be renumbered to be Section(s) 4-215(g) through (j), respectively.

24 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 25 read as follows:

26 **Article - Natural Resources**

27 4-215.

28 (F) (1) BEFORE A FISHERY MANAGEMENT PLAN MAY BE ADOPTED, THE
 29 DEPARTMENT SHALL SUBMIT THE PROPOSED PLAN, AND THE STOCK ASSESSMENT
 30 AND TECHNICAL AND SCIENTIFIC INFORMATION THAT SUPPORT THE PROPOSED
 31 PLAN, TO AT LEAST THREE INDEPENDENT EXPERTS FOR SCIENTIFIC PEER REVIEW.

32 (2) (I) THE SECRETARY SHALL DESIGNATE THE EXPERTS
 33 PERFORMING THE SCIENTIFIC PEER REVIEW REQUIRED UNDER PARAGRAPH (1) OF
 34 THIS SUBSECTION.

35 (II) A DESIGNATED EXPERT:

36 1. SHALL HAVE RELEVANT EXPERIENCE IN ~~THE REVIEW OF~~
 37 FISHERY MANAGEMENT PLANS SCIENCE; AND

1 Act shall apply to any fishery management plan that is adopted or revised on or after
2 that date.

3 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
4 of Section 5 of this Act, this Act shall take effect October 1, 2003.